

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

PERSONALIZED USER MODEL, )  
L.L.P., ) Civil Action No. \_\_\_\_\_  
 )  
 Plaintiff, ) JURY TRIAL DEMANDED  
 )  
 v. )  
 )  
 GOOGLE, INC., )  
 )  
 Defendant. )  
)

**COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff, Personalized User Model, L.L.P. ("P.U.M."), by its attorneys, brings this action against defendant, Google, Inc. ("Google"), and alleges as follows:

**JURISDICTION AND VENUE**

1. This action for patent infringement arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

2. Venue is proper under 28 U.S.C. §§ 1391(b) and (c), and 1400(b) because Google is a corporation organized and existing under the laws of the State of Delaware, is doing substantial business in this District and has engaged in acts of infringement in this District.

**THE PARTIES AND PATENTS-IN-SUIT**

3. Plaintiff P.U.M. is a Texas limited liability partnership with its principal place of business located at 350 Fifth Avenue, Suite 2712, New York, NY 10188. P.U.M.'s partners include two of the inventors of the patents-in-suit, Roy Twersky and Dr. Yochai Konig.

4. Defendant Google is a Delaware corporation, with its principal place of business located at 1600 Amphitheatre Parkway, Mountain View, California 94043.

5. On December 27, 2005, the United States Patent and Trademark Office (“USPTO”) duly and legally issued U.S. Patent No. 6,981,040 B1 (the “’040 patent”), entitled “Automatic, Personalized Online Information and Product Services,” in the names of Yochai Konig, Roy Twersky, and Michael Berthold, who assigned their rights and interests in the ’040 patent to Utopy, Inc. The ’040 patent was later assigned to plaintiff P.U.M. A true and correct copy of the ’040 patent is attached as Exhibit A.

6. On January 15, 2008, the USPTO duly and legally issued U.S. Patent No. 7,320,031 B2 (the “’031 patent”), entitled “Automatic, Personalized Online Information and Product Services,” in the names of Yochai Konig, Roy Twersky, and Michael Berthold, who assigned their rights and interests in the ’031 patent to Utopy, Inc. The ’031 patent is a continuation of application No. 09/597,975, filed on June 20, 2000, now the ’040 patent. The ’031 patent was later assigned to plaintiff P.U.M. A true and correct copy of the ’031 patent is attached as Exhibit B.

#### **CLAIM FOR RELIEF**

7. P.U.M. incorporates and realleges the allegations of paragraphs 1 through 6 as if fully set forth herein.

8. Google has been and is infringing, inducing infringement and/or contributing to infringement in this District, and throughout the United States, by making, selling, offering for sale, and/or importing infringing search technology covered by one or more claims of the ’040 and ’031 patents, including at least Google’s personalized search technology and Google’s personalized advertising technology that operate and are found in features of Google’s website, [www.google.com](http://www.google.com).

9. Google’s infringing activities in the United States also include, but are not limited to, the personalized search implemented when a user logs into iGoogle (formerly known as Google Personal, or Google Personalized Search) at [www.google.com/ig](http://www.google.com/ig), which incorporates

and utilizes personalized search technology and personalized advertising technology covered by one or more claims of the '040 and '031 patents.

10. Google committed these acts of infringement without license or authorization from P.U.M.

11. As a direct and proximate result of Google's infringement of the '040 and '031 patents, P.U.M. has suffered and continues to sustain monetary damages.

12. P.U.M. has been and continues to be irreparably harmed by Google's infringement of the '040 and '031 patents. On information and belief, Google will continue to infringe unless such infringement is enjoined by this Court.

13. Google has had actual notice of the '040 and '031 patents.

14. On information and belief, Google's infringement of the '040 and '031 patents, has been and continues to be willful and deliberate.

#### **PRAYER FOR RELIEF**

WHEREFORE, plaintiff P.U.M. respectfully requests that this Court grant the following relief in favor of P.U.M. and against defendant Google:

- A. Declare that Google is infringing, has infringed, actively induced and/or committed acts of contributory infringement with respect to one or more claims of the '040 patent;
- B. Declare that Google's infringement of the '040 patent has been and is willful;
- C. Declare that Google is infringing, has infringed, actively induced and/or committed acts of contributory infringement with respect to one or more claims of the '031 patent;
- D. Declare Google's infringement of the '031 patent has been and is willful;
- E. Award P.U.M. its damages sustained as a result of Google's infringement of P.U.M.'s '040 and '031 patents;

F. Treble the damages P.U.M. has incurred as a result of Google's willful and deliberate infringement of P.U.M.'s '040 and '031 patents;

G. Preliminarily and permanently enjoin Google and its officers, agents, divisions, affiliates, subsidiaries, employees, and representatives, and all those controlled by or acting in concert with or in privity with Google, from infringing, inducing the infringement and/or contributing to the infringement of the '040 and '031 patents;

H. Declare that this is an "exceptional case" within the meaning of 35 U.S.C. § 285, and enter judgment in favor of P.U.M. for its attorneys' fees;

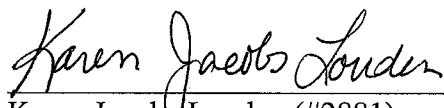
I. Award P.U.M. prejudgment interest and costs; and

J. Grant such other relief that the Court deems just and equitable.

**JURY DEMAND**

P.U.M demands trial by jury on all issues triable of right by a jury.

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